

DuPont Burnside Sulfuric Acid Plant (AI # 67572)
Consent Decree (CD) entered 11/11/07

Short Term (S/T) emission limit (3 hr avg period) = 2.4 # SO₂/ton 100% H₂SO₄. Burnside required to meet by 9/1/09. [Note: the CEMS reports are stating that the Emission Limit is 4 # SO₂/ton 100% H₂SO₄. (b) (5)]

Mass Cap = 1007 tons (includes S/U, S/D, Malfunction)

Acid Mist Emission Limit (NSPS Subpart H) = 0.15 #/ton 100% H₂SO₄. Must meet by 9/1/09. Perf Test due by 2/28/10 (180 days after compliance date).

Operation & Maintenance (O&M) Plan – submitted 3/31/09 (still not approved)

1.0 Burnside Sulfuric Acid Plant Overview – States that Burnside is in process for installing dual absorption technology into the existing sulfuric acid plant. Will increase capacity and significantly reduce SO₂ emissions. New equipment.....interpass tower, hot interpass gas to gas heat exchanger [HIP], cold interpass gas to gas heat exchanger [CIP]..... [CD periodic update reports indicate construction began in Nov 2007 and was completed on April 24, 2009 and start-up began April 27, 2009). The leaks were being reported in 2012 (and maybe 2011?). (b) (5) See section 3.1.3.5 – Shutdown Inspection and Repairs section below]

2.0 Operations – “DuPont is committed to operating the Burnside Plant in a manner to prevent leaks. Leak prevention is integral to the design and construction of the plant and steps to minimize emissions and prevent leaks are included in the plant’s Operating Procedures and Standard Operating Conditions (SOC’s).” (b) (5)

(b) (5)

(b) (5)

2.3 Operator Responsibilities – “....responsible for monitoring the computer based operating system, performing routine checks of operating equipment, initiating a maintenance repair order, Operators report to the site operations manager. The shift log is part of the computer based operating system and is a communication system to provide operational information to assist with shift changeover to operators and management.” [The 2011 Shift Log is missing per e-mail from Simoneaux.]

2.4 Operator Training – “....Drills are routinely conducted that engage the operators and other plant personnel in response to scenarios that could potentially occur at the site. The drills ensure operators and other personnel are prepared to respond safely and in a manner that minimizes the impact of the emergency event and this includes minimizing environmental impacts.....”

3.0 Predictive and Preventative Maintenance – “DuPont is committed to preventing leaks to ensure plant personnel and the surrounding community are protected from potentially hazardous substances. The Predictive and Preventative Maintenance program provides proactive systems and methodologies for inspections as well as condition based maintenance.” [thus, proactive maintenance to prevent leaks, not reactive maintenance to stop leaks. (b) (5)]

(b) (5)

(b) (5)

3.1 Mechanical Integrity – “Under the Burnside PSM (Process Safety Management) program, a mechanical integrity program has been established for all critical equipment. [RMP Program 3 requirement] For the purposes of this plan, all equipment, pipes and vessels involved in the production, blending, and storage of sulfuric acid, Oleum, and sulfur trioxide (SO₃) is considered critical equipment. A list of critical equipment is included in process technology section of the plant’s PSM manual.” (b) (5)

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3.1.3 Equipment Inspection – “An equipment inspection and testing program has been established to ensure all critical equipment are in a safe and reliable condition and comply with all applicable requirements and codes. All Burnside equipment inspections are tracked through the Burnside Equipment Inspection Tracking spreadsheet. The document provides a listing by type of equipment, the date of the last inspection and due date for the next inspection.” (b) (5)

3.1.3.4 Other Routine Inspections – [does not include CIP/HIP]

3.1.3.5 Shutdown Inspection and Repairs – “Planned major maintenance shutdown typically occur every two years.” (b) (5) shutdowns, dates, planned/unplanned, scope of work since 2009] “Specific maintenance activities that are typically performed during planned unit shutdowns are listed below....” [does not list open/inspect CIP or HIP]

4.0 Environmental and Process Incident Review. “Incidents will reoccur unless key factors are identified and corrected. Timely, thorough and persistent investigations of all serious and serious potential incidents coupled w/ actions directed to eliminate the key factors will continually improve safety performance. Following each malfunction which results in excess emissions or potential excess emissions, including SO₂, sulfuric acid mist, and other process gases from the stack or from leaks from other locations, a site supervisor will conduct a preliminary incident investigation. The preliminary investigation is a means to collect the information to determine if a formal investigation is needed. All incident investigation should be initiated as promptly as possible, but no later than 48 hours following the incident. The preliminary investigation will determine if a formal investigation is required.”

Additional verbiage stating that the formal investigation follows incident investigation procedures in the site safety manual (SAF-109) and the corporate incident investigation policy (DuPont SHE Standard S3Y). Incidents and incident recommendation closing notices are tracked in a computer based management system, **manage-it-central**. Is used to perform a trend analysis which compares incidents from prior years.

5.0 Plan Responsibilities – plan is to be reviewed & updated no less than once every 3 years. SHE manager will be responsible for the annual update. (b) (5)

CEMS Plan – submitted 3/31/09 (still not approved)

As submitted, the Converter Inlet SO₂ Analyzer is not being considered subject to Subpart H and thus, not subject to all the normal CEMS requirements (reporting per Subpart A, Perform Spec B certification requirements, App F QA/QC requirements). Have severe deviations from normal requirements. Dan Schafelberger has been assigned to Sulfuric Acid Plants for 9 months (prior 3 yrs was Sarah Marshall, and prior to that was Nathan Frank). Dan to find out if RTP was included in this deviation. Also, have concerns w/ Equations 2 & 3 as well as data reduction for 3 hour average.


Semi-Annual Progress Rpts

7/2/09

1H2009 certified & signed by Kelly Kober, Eng & Tech Svcs Mgr

- Dual absorption project – completed 4/24/09 (permitted June 07). S/U 4/27/09.
- In compl w/ S/T SO₂ limit of 2.4 #/ton 100% H₂SO₄ since S/U of plant.
- Perf Test (20.a.i) for acid mist limit would be sched 3Q2009. (performed Oct 2009)
- CEMS for SO₂
 - SO₂ Stack Analyzer (Ametek 920 S/N AE920SP-10113-S1 dual range: 0-500 and 0-5000 ppm) – existing; operating well
 - Converter Inlet SO₂ Analyzer (Ametek 920 S/N AE920SP-10113-S2 range 0-15%) (NEW COMPONENT of Burnside CEMS) – had malfunctioned to condensation. Has had team of DuPont and Ametek (analyzer mfgr) reps to work to minimize downtime and resolve problems w/ converter inlet SO₂ analyzer)

40 CFR PART 70 GENERAL CONDITIONS

- A. The term of this permit shall be five (5) years from date of issuance. An application for a renewal of this 40 CFR Part 70 permit shall be submitted to the administrative authority no later than six months prior to the permit expiration date. Should a complete permit application not be submitted six months prior to the permit expiration date, a facility's right to operate is terminated pursuant to 40 CFR Section 70.7(c)(ii). Operation may continue under the conditions of this permit during the period of the review of the application for renewal. [LAC 33:III.507.E.1, E.3, E.4, reference 40 CFR 70.6(a)(2)]
- B. The conditions of this permit are severable; and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [Reference 40 CFR 70.6(a)(5)]
- C. Permittee shall comply with all conditions of the 40 CFR Part 70 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [LAC 33:III.507.B.2, reference 40 CFR 70.6(a)(6)(i) & (iii)]
-  D. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Reference 40 CFR 70.6(a)(6)(ii)]
- E. This permit does not convey any property rights of any sort, or an exclusive privilege. [Reference 40 CFR 70.6(a)(6)(iv)]
- F. The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. A claim of confidentiality does not relieve the permittee of the requirement to provide the information. [LAC 33:III.507.B.2, 517.F, reference 40 CFR 70.6(a)(6)(v)]
- G. Permittee shall pay fees in accordance with LAC 33:III.Chapter 2 and 40 CFR Section 70.6(a)(7). [LAC 33:III.501.C.2, reference 40 CFR 70.6(a)(7)]

40 CFR PART 70 GENERAL CONDITIONS

- H. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the permitting authority or authorized representative to perform the following:
1. enter upon the permittee's premises where a 40 CFR Part 70 source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(i)];
 2. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(ii)];
 3. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(iii)]; and
 4. as authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements. [LAC 33:III.507.H.2, reference 40 CFR 70.6(c)(2)(iv)]
- I. All required monitoring data and supporting information shall be kept available for inspection at the facility or alternate location approved by the agency for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Supporting information includes calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and all reports required by the permit.
[Reference 40 CFR 70.6(a)(3)(ii)(B)]
- J. Records of required monitoring shall include the following:
1. the date, place as defined in the permit, and time of sampling or measurements;
 2. the date(s) analyses were performed;
 3. the company or entity that performed the analyses;
 4. the analytical techniques or methods used;
 5. the results of such analyses; and
 6. the operating conditions as existing at the time of sampling or measurement.
- [Reference 40 CFR 70.6(a)(3)(ii)(A)]
- K. Permittee shall submit at least semiannually, reports of any required monitoring, clearly identifying all instances of deviations from permitted monitoring requirements, certified by a responsible company official. For previously reported deviations, in lieu of attaching the individual deviation reports, the semiannual report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The semiannual reports shall be submitted to the Office of Environmental Compliance, Enforcement Division by March 31 for the preceding period encompassing July through December and September 30 for the preceding period encompassing January through June. Any quarterly deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R may be consolidated with the semi-annual reports required by this general condition as long as the report clearly indicates this and all required information is included and clearly delineated in the consolidated report. [LAC 33:III.507.H, reference 40 CFR 70.6(a)(3)(iii)(A)]
- L. The permittee shall submit at least semiannual reports on the status of compliance pursuant to 40 CFR Section 70.5 (c) (8) and a progress report on any applicable schedule of compliance pursuant to 40 CFR Section 70.6 (c) (4). [LAC 33:III.507.H.1, reference 40 CFR 70.6(c)(4)]

40 CFR PART 70 GENERAL CONDITIONS

- M. Compliance certifications per LAC 33:III.507.H.5 shall be submitted to the Administrator as well as the permitting authority. For previously reported compliance deviations, in lieu of attaching the individual deviation reports, the annual report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance, Enforcement Division by March 31 for the preceding calendar year. [LAC 33:III.507.H.5, reference 40 CFR 70.6(c)(5)(iv)]
- N. If the permittee seeks to reserve a claim of an affirmative defense as provided in LAC 33:III.507.J.2, the permittee shall, in addition to any emergency or upset provisions in any applicable regulation, notify the permitting authority within 2 working days of the time when emission limitations were exceeded due to the occurrence of an upset. In the event of an upset, as defined under LAC 33:III.507.J, which results in excess emissions, the permittee shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an emergency occurred and the cause was identified; 2) the permitted facility was being operated properly at the time; and 3) during the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standard or requirement of the permit. [LAC 33:III.507.J.2, reference 40 CFR 70.6(g)(3)(iv) & (i-iii)]
- O. Permittee shall maintain emissions at a level less than or equal to that provided for under the allowances that the 40 CFR Part 70 source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act. [Reference 40 CFR 70.6(a)(4)]
- P. Any permit issued pursuant to 40 CFR Part 70 may be subject to reopening prior to the expiration of the permit for any of the conditions specified in 40 CFR Section 70.7(f) or LAC 33:III.529. [LAC 33:III.529.A-B, reference 40 CFR 70.7(f)]
- Q. Permittee may request an administrative amendment to the permit to incorporate test results from compliance testing if the following criteria are met:
1. the changes are a result of tests performed upon start-up of newly constructed, installed, or modified equipment or operations;
 2. increases in permitted emissions will not exceed five tons per year for any regulated pollutant;
 3. increases in permitted emissions of Louisiana toxic air pollutants or of federal hazardous air pollutants would not constitute a modification under LAC 33:III. Chapter 51 or under Section 112 (g) of the Clean Air Act;
 4. changes in emissions would not require new source review for prevention of significant deterioration or nonattainment and would not trigger the applicability of any federally applicable requirement;
 5. changes in emissions would not qualify as a significant modification; and
 6. the request is submitted no later than 12 months after commencing operation. [LAC 33:III.523.A, reference 40 CFR 70.7(d)]

40 CFR PART 70 GENERAL CONDITIONS

- R. Permittee shall submit prompt reports of all permit deviations as specified below to the Office of Environmental Compliance, Enforcement Division. All such reports shall be certified by a responsible official in accordance with 40 CFR 70.5(d).
1. A written report shall be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.
 2. A written report shall be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.
 3. A written report shall be submitted quarterly to address all permit deviations not included in paragraphs 1 or 2 above. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The quarterly deviation reports submitted on March 31 and September 30 may be consolidated with the semi-annual reports required by Part 70 General Condition K as long as the report clearly indicates this and all required information is included and clearly delineated in the consolidated report. For previously reported permit deviations, in lieu of attaching the individual deviation reports, the quarterly report may clearly reference the communication(s)/correspondence(s) constituting the prior report, including the date the prior report was submitted. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any permit deviations occurring during the corresponding specified calendar quarter:
 - a. Report by June 30 to cover January through March
 - b. Report by September 30 to cover April through June
 - c. Report by December 31 to cover July through September
 - d. Report by March 31 to cover October through December
 4. Any written report submitted in advance of the timeframes specified above, in accordance with an applicable regulation, may serve to meet the reporting requirements of this condition provided such reports are certified in accordance with 40 CFR 70.5(d) and contain all information relevant to the permit deviation. Reporting under this condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33.I.Chapter 39, LAC 33.III.Chapter 9, and LAC 33.III.5107. [Reference 40 CFR 70.6(a)(3)(iii)(B)]
- S. Permittee shall continue to comply with applicable requirements on a timely basis, and will meet on a timely basis applicable requirements that become effective during the permit term. [Reference 40 CFR 70.5(c)(8)(iii)]

40 CFR PART 70 GENERAL CONDITIONS

- T. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156;
 2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158;
 3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161;
 4. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166. ("MVAC-like appliance" as defined at 40 CFR 82.152);
 5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156; and
 6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166. [Reference 40 CFR 82, Subpart F]
- U. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.
- The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant. [Reference 40 CFR 82, Subpart B]
- V. Data availability for continuous monitoring or monitoring to collect data at specific intervals: Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the emissions unit is operating. For purposes of reporting monitoring deviations under Part 70 General Conditions K and R, and unless otherwise provided for in the Specific Requirements (or Table 3) of this permit, the minimum degree of data availability shall be at least 90% (based on a monthly average) of the operating time of the emissions unit or activity being monitored. This condition does not apply to Leak Detection and Repair (LDAR) programs for fugitive emissions (e.g., 40 CFR 60 Subpart VV, 40 CFR 63 Subpart H).

LOUISIANA AIR EMISSION PERMIT GENERAL CONDITIONS

- I. This permit is issued on the basis of the emissions reported in the application for approval of emissions and in no way guarantees that the design scheme presented will be capable of controlling the emissions to the type and quantities stated. Failure to install, properly operate and/or maintain all proposed control measures and/or equipment as specified in the application and supplemental information shall be considered a violation of the permit and LAC 33:III.501. If the emissions are determined to be greater than those allowed by the permit (e.g. during the shakedown period for new or modified equipment) or if proposed control measures and/or equipment are not installed or do not perform according to design efficiency, an application to modify the permit must be submitted. All terms and conditions of this permit shall remain in effect unless and until revised by the permitting authority.
- II. The permittee is subject to all applicable provisions of the Louisiana Air Quality Regulations. Violation of the terms and conditions of the permit constitutes a violation of these regulations.
- III. The Emission Rates for Criteria Pollutants, Emission Rates for TAP/HAP & Other Pollutants, and Specific Requirements sections or, where included, Emission Inventory Questionnaire sheets establish the emission limitations and are a part of the permit. Any operating limitations are noted in the Specific Requirements or, where included, Tables 2 and 3 of the permit. The synopsis is based on the application and Emission Inventory Questionnaire dated December 14, 2006.
- IV. This permit shall become invalid, for the sources not constructed, if:
 - A. Construction is not commenced, or binding agreements or contractual obligations to undertake a program of construction of the project are not entered into, within two (2) years (18 months for PSD permits) after issuance of this permit, or;
 - B. If construction is discontinued for a period of two (2) years (18 months for PSD permits) or more.

The administrative authority may extend this time period upon a satisfactory showing that an extension is justified.

This provision does not apply to the time period between construction of the approved phases of a phased construction project. However, each phase must commence construction within two (2) years (18 months for PSD permits) of its projected and approved commencement date.
- V. The permittee shall submit semiannual reports of progress outlining the status of construction, noting any design changes, modifications or alterations in the construction schedule which have or may have an effect on the emission rates or ambient air quality levels. These reports shall continue to be submitted until such time as construction is certified as being complete. Furthermore, for any significant change in the design, prior approval shall be obtained from the Office of Environmental Services, Air Permits Division.
- VI. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services, Air Permits Division within ten (10) calendar days from the date that construction is certified as complete and the estimated date of start-up of operation. The appropriate Regional Office shall also be so notified within the same time frame.

LOUISIANA AIR EMISSION PERMIT GENERAL CONDITIONS

- VII. Any emissions testing performed for purposes of demonstrating compliance with the limitations set forth in paragraph III shall be conducted in accordance with the methods described in the Specific Conditions and, where included, Tables 1, 2, 3, 4, and 5 of this permit. Any deviation from or modification of the methods used for testing shall have prior approval from the Office of Environmental Assessment, Air Quality Assessment Division.
- VIII. The emission testing described in paragraph VII above, or established in the specific conditions of this permit, shall be conducted within sixty (60) days after achieving normal production rate or after the end of the shakedown period, but in no event later than 180 days after initial start-up (or restart-up after modification). The Office of Environmental Assessment, Air Quality Assessment Division shall be notified at least (30) days prior to testing and shall be given the opportunity to conduct a pretest meeting and observe the emission testing. The test results shall be submitted to the Air Quality Assessment Division within sixty (60) days after the complete testing. As required by LAC 33:III.913, the permittee shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities for proper determination of the emission limits.
- IX. The permittee shall, within 180 days after start-up and shakedown of each project or unit, report to the Office of Environmental Compliance, Enforcement Division any significant difference in operating emission rates as compared to those limitations specified in paragraph III. This report shall also include, but not be limited to, malfunctions and upsets. A permit modification shall be submitted, if necessary, as required in Condition I.
- X. The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of this permit for a minimum of at least five (5) years.
- XI. If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in this permit, the permittee shall provide the Office of Environmental Compliance, Enforcement Division with a written report as specified below.
 - A. A written report shall be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.
 - B. A written report shall be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.
 - C. A written report shall be submitted quarterly to address all emission limitation exceedances not included in paragraphs A or B above. The schedule for submittal of quarterly reports shall be no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:
 - 1. Report by June 30 to cover January through March
 - 2. Report by September 30 to cover April through June
 - 3. Report by December 31 to cover July through September
 - 4. Report by March 31 to cover October through December

LOUISIANA AIR EMISSION PERMIT GENERAL CONDITIONS

D. Each report submitted in accordance with this condition shall contain the following information:

1. Description of noncomplying emission(s);
2. Cause of noncompliance;
3. Anticipated time the noncompliance is expected to continue, or if corrected, the duration of the period of noncompliance;
4. Steps taken by the permittee to reduce and eliminate the noncomplying emissions; and
5. Steps taken by the permittee to prevent recurrences of the noncomplying emissions.

E. Any written report submitted in advance of the timeframes specified above, in accordance with an applicable regulation, may serve to meet the reporting requirements of this condition provided all information specified above is included. For Part 70 sources, reports submitted in accordance with Part 70 General Condition R shall serve to meet the requirements of this condition provided all specified information is included. Reporting under this condition does not relieve the permittee from the reporting requirements of any applicable regulation, including LAC 33.I.Chapter 39, LAC 33.III.Chapter 9, and LAC 33.III.5107.

XII. Permittee shall allow the authorized officers and employees of the Department of Environmental Quality, at all reasonable times and upon presentation of identification, to:

- A. Enter upon the permittee's premises where regulated facilities are located, regulated activities are conducted or where records required under this permit are kept;
- B. Have access to and copy any records that are required to be kept under the terms and conditions of this permit, the Louisiana Air Quality Regulations, or the Act;
- C. Inspect any facilities, equipment (including monitoring methods and an operation and maintenance inspection), or operations regulated under this permit; and
- D. Sample or monitor, for the purpose of assuring compliance with this permit or as otherwise authorized by the Act or regulations adopted thereunder, any substances or parameters at any location.

XIII. If samples are taken under Section XII.D. above, the officer or employee obtaining such samples shall give the owner, operator or agent in charge a receipt describing the sample obtained. If requested prior to leaving the premises, a portion of each sample equal in volume or weight to the portion retained shall be given to the owner, operator or agent in charge. If an analysis is made of such samples, a copy of the analysis shall be furnished promptly to the owner, operator or agency in charge.

XIV. The permittee shall allow authorized officers and employees of the Department of Environmental Quality, upon presentation of identification, to enter upon the permittee's premises to investigate potential or alleged violations of the Act or the rules and regulations adopted thereunder. In such investigations, the permittee shall be notified at the time entrance is requested of the nature of the suspected violation. Inspections under this subsection shall be limited to the aspects of alleged violations. However, this shall not in any way preclude prosecution of all violations found.

LOUISIANA AIR EMISSION PERMIT GENERAL CONDITIONS

- XV. The permittee shall comply with the reporting requirements specified under LAC 33:III.919 as well as notification requirements specified under LAC 33:III.927.
- XVI. In the event of any change in ownership of the source described in this permit, the permittee and the succeeding owner shall notify the Office of Environmental Services, Air Permits Division, within ninety (90) days after the event, to amend this permit.
- XVII. Very small emissions to the air resulting from routine operations, that are predictable, expected, periodic, and quantifiable and that are submitted by the permitted facility and approved by the Air Permits Division are considered authorized discharges. Approved activities are noted in the General Condition XVII Activities List of this permit. To be approved as an authorized discharge, these very small releases must:
1. Generally be less than 5 TPY
 2. Be less than the minimum emission rate (MER)
 3. Be scheduled daily, weekly, monthly, etc., or
 4. Be necessary prior to plant startup or after shutdown [line or compressor pressuring/depressuring for example]

These releases are not included in the permit totals because they are small and will have an insignificant impact on air quality. This general condition does not authorize the maintenance of a nuisance, or a danger to public health and safety. The permitted facility must comply with all applicable requirements, including release reporting under LAC 33:1.3901.

- XVIII. Provisions of this permit may be appealed in writing pursuant to La. R.S. 30:2024(A) within 30 days from receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing, unless the secretary or the assistant secretary elects to suspend other provisions as well. Construction cannot proceed except as specifically approved by the secretary or assistant secretary. A request for hearing must be sent to the following:

Attention: Office of the Secretary, Legal Services Division
La. Dept. of Environmental Quality
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

- XIX. Certain Part 70 general conditions may duplicate or conflict with state general conditions. To the extent that any Part 70 conditions conflict with state general conditions, then the Part 70 general conditions control. To the extent that any Part 70 general conditions duplicate any state general conditions, then such state and Part 70 provisions will be enforced as if there is only one condition rather than two conditions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

E. I. du Pont de Nemours & Company
Clean Air Act Settlement Fact Sheet
July 20, 2007

Overview: E. I. du Pont de Nemours & Co (DuPont) owns and operates, among other things, the following four contact process sulfuric acid production plants: Fort Hill in North Bend, Ohio, James River in Richmond, Virginia, Burnside in Darrow, Louisiana; and Wurtland in Wurtland, Kentucky. Each of these plants manufactures sulfuric acid. The sulfuric acid produced by DuPont at these plants is utilized to make surfactants, gasoline, pigments, and many other applications. Today's settlement resolves DuPont's Clean Air Act violations associated with excess emissions for sulfur dioxide (SO₂) and sulfuric acid mist from each of its four sulfuric acid plants.

Violations: DuPont's violations involved modifications that triggered New Source Performance Standard (NSPS) and Prevention of Significant Deterioration (PSD) obligations under the federal statute and regulatory requirements for SO₂ and sulfuric acid mist. Each sulfuric acid plant should have complied with PSD requirements by applying for and receiving a PSD permit under the applicable State Implementation Plan (SIP), the NSPS for Sulfuric Acid Production Plants, 40 C.F.R. Part 60, Subpart H and incorporated these requirements into its Title V permit.

State Involvement: EPA has collaborated with several states to achieve this settlement. Signatories to the Consent Decree are: the State of Louisiana, the State of Ohio, and the Commonwealth of Virginia. EPA approached the Commonwealth of Kentucky concerning this settlement, but it declined the invitation to become a signatory.

Injunctive Relief: This Decree is the third settlement in EPA's National NSR/PSD Acid Plant Priority and the second global settlement involving a producer of sulfuric acid. The settlement requires state-of-the-art SO₂ control equipment and generates SO₂ emission reductions of over 13,000 tons per year, resulting in an estimated \$260 million in health benefits. The proposed Consent Decree requires the following relief:

Plant Name	SO ₂ Mass Tonnage Cap (12-month rolling sum)	SO ₂ Emission Limit (3hr rolling average)	Date for meeting limit
Burnside	1007	2.4 lbs/ton	Sept. 1, 2009
James River	123	1.5 lbs/ton	March 1, 2010

Fort Hill	281	2.2 lbs/ton	March 1, 2011 or March 1, 2012
Wurtland	248	1.7 lbs/ton	March 1, 2012 or March 1, 2011

The Consent Decree allows DuPont to elect to switch the order of controls for Fort Hill and Wurtland. To switch the dates of compliance, DuPont must notify the United States of its decision by no later than March 1, 2010. In addition, prior to the final emission limitations becoming effective, DuPont must meet interim SO₂ emission limitations at both Fort Hill (20.0 lbs/ton) and Wurtland, (21.0 lbs/ton). The Decree allows DuPont to exclude emissions resulting from startup and malfunction events from the short term 3-hour average. However, the 12-month rolling sum emission rate¹ does include emissions from startup and malfunction events, thereby ensuring that excess emissions are in fact constrained. Emissions attributed to shutdowns are not excluded from either the 3-hour average or 12-month sum. These limitations are among the lowest permitted emission rates of any sulfuric acid plant and will result in the reduction of approximately 13,000 tons of SO₂ annually from these four plants.

The Consent Decree also requires DuPont to submit two types of plans for EPA review and approval. Dupont must submit operation and maintenance plans (O&M plans) for each of its plants. The O&M plans must describe DuPont's procedures to minimize the frequency of shutdowns and the quantity of emissions at all times, including startups and malfunctions. In addition, DuPont will submit continuous emission monitoring system plans (CEMs plans) for each plant. These plans will describe how DuPont proposes to implement the emission monitoring requirements of the Decree to measure compliance with the SO₂ lbs/ton emission limitations.

Civil Penalty: DuPont will pay a civil penalty of \$4,125,000.

Health Effects: SO₂ in the environment causes severe respiratory problems and contributes to childhood asthma. SO₂ is a significant contributor to acid rain, visibility impairment, fine particulate matter formation and smog. Sulfuric acid mist can cause respiratory damage, and damage to the mouth, throat, lungs and eyes. [More information on SO₂.](#)

¹The total mass emissions at the end of each month will be added to the emissions for the previous eleven months to determine compliance with the Consent Decree's 12-month mass emission limit.

b) 15 U.S.C. § 2607 provides in part:

(e) **Notice to Administrator of substantial risks** Any person who manufactures, processes, or distributes in commerce as chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.

c) DuPont has created internal procedures for reporting substantial risks which require that individual employees and officers make *internal* reports to DuPont of potentially substantial risks required to be reported to the Environmental Protection Agency under § 2607 and placing the responsibility for such reporting on DuPont. (See, e.g., Exhibit B)

d) 15 U.S.C. § 2614 (entitled Prohibited acts) provides:

CRIMINAL

It shall be unlawful for any person to –

(1) fail or refuse to comply with (A) any rule promulgated or order issued under section 2603 of this title, (B) any requirement prescribed by section 2604 or 2605 of this title, (C) any rule promulgated or order issued under section 2604 or 2605 of this title, or (D) any requirement of subchapter II of this chapter or any rule promulgated or order issued under subchapter II of this chapter;

(2) use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of section 2604 or 2605 of this title, a rule or order under section 2604 or 2605 of this title, or an order issued in action brought under section 2604 or 2606 of this title;

(3) fail or refuse to (A) establish or maintain records, (B) **submit reports, notices, or other information**, or (C) permit access to or copying of records, as required by this chapter or a rule thereunder; or (4) fail or refuse to permit entry or inspection as required by section 2610 of this title.

e) 15 U.S.C. § 2615 (entitled Penalties) provides in part:

(a) Civil (1) Any person who violates a provision of section 2614 or 2689 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. Each day such a violation continues shall, for purposes of this subsection, constitute a separate violation of section 2614 or 2689 of this title.